



IMPROVED ACCESS TO STATE IDENTIFICATION CARDS FOR PRISONERS

Testimony before the House Judiciary Committee
March 1, 2006

by Barbara R. Levine
Executive Director

The issue of ensuring that people leave prison with adequate identification may seem mundane, but it has enormous practical implications. We are very grateful to Rep. Hoogendyk for his leadership on this question and to other members of this Committee who have expressed their willingness to help find solutions.

When someone finishes a term in a Michigan prison, we expect them to find a job or apply for whatever government benefits they may be entitled to receive, to establish a stable residence, and to become generally law-abiding, self-sufficient citizens. These are certainly reasonable expectations, but we all understand why, for many former prisoners, they are not easy to meet. It is in recognition of the various practical difficulties that former offenders face that the MDOC, the governor and the legislature have made such a substantial commitment to the Michigan Prisoner Reentry Initiative.

Ironically, a major impediment to success comes from government itself. The frequent inability of people released from prison to obtain identification from the Secretary of State is a huge stumbling block to someone trying to comply with conditions of parole and become a productive member of the community. The Secretary of State requires applicants for a driver's license or state identification card to present three identifying documents, such as a birth certificate, school records, a marriage license or divorce decree, a passport or military ID. But it will not accept picture identification from the Michigan Department of Corrections. I have never understood why documents without photos, that could conceivably be forged, are presumed to be so much more reliable than photo identifications generated by the MDOC, but that is currently the case.

People in prison don't have sufficient identification for a lot of reasons. They may never have had it or it may not have made it to prison with them, depending on the circumstances of their arrest. They may have left important documents with people on the outside who lost the items or fell out of contact with the prisoner. Papers may have been lost or destroyed during a transfer within the prison system.

Whatever the cause, we need to make it as simple as possible for former prisoners to get the identification they need to function in a law-abiding manner. Just think how often you are asked to show your driver's license. If you don't have identification, you cannot get a job. You cannot rent an apartment or turn on utilities. You cannot open a checking account or even cash a check someone gives you. You cannot buy a car or even borrow one because you cannot drive legally. You cannot apply for public benefits to which you might be entitled.

In fact, you cannot even comply with the Sex Offender Registration Act. The law requires registered sex offenders to maintain a valid driver's license or state identification with their current address and to verify their addresses with local police departments on a quarterly basis. Willful violation of the Act is a four-year felony. A story told to me by a Saginaw police officer illustrates just how counter-productive the identification rules can be.

Mr. F. was convicted in 1995 and placed on the registry while in prison. He was paroled in December 2003. In April 2004, Mr. F. appeared at the Saginaw Police Dept. to make his quarterly report. He was living at a local men's shelter and taking his meals at a soup kitchen. He had his prison ID, a birth certificate and a social security card, but no picture ID with his current address. He had been unable to obtain one because he lacked the documentation required by the Secretary of State. Following instructions from the State Police, the local officers were not permitted to update Mr. F.'s address or confirm his compliance with the quarterly reporting requirement.

Basically, there are two critical points at which improvements need to be made. First is at the institutional end. Prisoners should be given information, while they are still incarcerated, about the forms of identification they will need upon release, and, if needed, they should be given assistance in obtaining those documents. At the other end, the Secretary of State should be required to accept an MDOC identification card as one of the three required forms of documentation. CAPPS, which supports every reasonable means of controlling the size of the prison population, would certainly applaud these sensible steps to help people succeed on parole.